



Security Council

Sixty-fourth year

Provisional

6253rd meeting

Wednesday, 23 December 2009, 10 a.m.
New York

<i>President:</i>	Mr. Kafando	(Burkina Faso)
<i>Members:</i>	Austria	Mr. Ebner
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilošić
	France	Mr. De Riviére
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation concerning the Democratic Republic of the Congo

Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)

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The meeting was called to order at 10.20 a.m

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ilaka (Democratic Republic of the Congo) took a seat at the Council table.

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/663, which contains the text of a draft resolution submitted by France.

I should like to draw the attention of Council members to document S/2009/623, which contains the thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1906 (2009).

I shall now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Ilaka (Democratic Republic of the Congo) (*spoke in French*): The Security Council has just adopted resolution 1906 (2009) of 23 December 2009, which extends the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). My Government duly takes note of this adoption.

I am returning from the Copenhagen summit with every possible understanding of the word "mitigation". I wish to thank those delegations of the Security Council that have worked tirelessly to considerably mitigate the provisions of the initial draft resolution, which could have been the basis for a profound crisis that may have undermined the partnership that has been firmly established for more than a decade between the Security Council and the Democratic Republic of the Congo and that seeks to restore peace to my country. Those delegations have my heartfelt appreciation.

I have received quite a bit of direct correspondence from my fellow citizens, principally from the two Kivu provinces and Orientale province, in which they plead with me to persuade the Council to put an end to their unspeakable suffering. The Congolese people no longer want to be beasts of burden blithely led to the slaughterhouse in the name of some supreme sacrifice. They desire peace, and they desire peace now.

That is what my Government, under the leadership of Mr. Joseph Kabila Kabange, has resolutely and tirelessly worked for. The return of peace — real and lasting peace — is the highest priority of the actions of the President of the Republic.

The path towards that longed-for peace should be subject to no ambiguity. It is interesting to note that recently, when the Council has met to take important

decisions with respect to the restoration of peace in the Democratic Republic of the Congo, some in the press have deliberately sought to influence public opinion in its members' countries and thereby the Council's decisions. I take as proof the Special Rapporteur of the United Nations on extrajudicial, summary and arbitrary executions, whose intellectual probity I publicly challenge. His exit in the month of October was deplorable, and, like many others, I await his report and his conclusions.

With respect to a certain non-governmental organization that defends human rights, which I naturally hold dear, I should like to point out in all amity that the defence of human rights clearly and necessarily entails denouncing their violation. The defence and strengthening of these rights also require active participation in the search for solutions. The non-governmental organization in question is manifestly powerful enough to propose solutions that could be put into effect, and yet we have seen nothing of the sort. Doing nothing is tantamount to contributing to the perpetuation of what has already been one of the greatest tragedies of modern times.

If this state of affairs must continue, in 10 years, if God allows me to live that long, I will still be speaking to the Council about violations of human rights in my country — as I am doing now, humiliated — and about questions of violence against women and rape used as a weapon of war. And yet, some 10 years ago, I was one of the first to bring this scourge to the Council's attention, seeing it through to the bitter end and suffering the sarcasm of the President of the Security Council at the time.

The adoption of this resolution authorizes me to refer to certain truths, if not to say truisms. The first is that part of the solution in the Democratic Republic of the Congo lies in the understanding and the cohesion of the Security Council, and in particular its permanent members. Is Fashoda rising from its ashes, or is the spirit of Saint Malo still alive? One of the keys to peace in my country lies in the answer to that question.

The second is that the Democratic Republic of the Congo is not the cause of the breakdown of peace and international security in the Great Lakes region. It is the victim of armed aggression that today is unanimously recognized but, curiously, has never been qualified as such by the Security Council. The current situation is but a continuation or a consequence of this

armed aggression. None of the weapons that are proliferating in the region are made in the Democratic Republic of the Congo. Not even machetes, which since 1993 have become weapons of mass destruction, are made in the Democratic Republic of the Congo or Burundi, much less in Rwanda.

What can we say about the illegal exploitation of natural resources in my country? If national or foreign individuals or third-party countries act as intermediaries for small fry, it is nonetheless true that the ultimate beneficiaries of this illegal exploitation are outside the African continent, as is so well noted by the final report of the Group of Experts on the Democratic Republic of the Congo, contained in document S/2009/603.

As to the supposed or acknowledged lack of discipline of the Armed Forces of the Democratic Republic of the Congo (FARDC), I can only regret that, in spite of the efforts made, today's resolution still reeks of this bitter criticism of the FARDC. This criticism, as we know, is the result of opinions that have been strongly influenced by those who benefit from the instability in the eastern Democratic Republic of the Congo and the entire Great Lakes region.

Instead of following these doomsayers, the United Nations should be driven by a desire to succeed, if only this once, where it sadly failed almost half a century ago, allowing the country to fall into unspeakable chaos. The macabre memories of those violent years are still fresh in the minds of the Congolese people. Today again, the supposed lack of discipline of some elements of the Congolese army seems to be a pretext for the same actors who take pleasure in turning the knife in the wound to perpetuate the misery of the Congolese people. And yet, the resolution remains strangely silent with respect to the bilateral and multilateral training provided beforehand to the Congolese combat units. It is fine to call for enhanced training, including in the framework of security sector reform, but such training must have content.

With respect to the few elements who are nominally FARDC members but continue to elude command and to commit crimes individually or in groups, this problem can be solved only through joint action on the ground between the Congolese and United Nations military, in accordance with the status-of-forces agreement.

Has the Security Council forgotten that the Democratic Republic of the Congo is still a post-conflict country, for which the strengthening of the rule of law remains a major challenge? Must it be recalled that the scandal of the sexual exploitation of Congolese women and children, which the Council itself has denounced, is a direct consequence of that instability? Must we point out yet again that it has been established that no State can effectively address alone the many challenges of restoring justice and respect for the rule of law in post-conflict societies?

The Government of the Democratic Republic of the Congo, having a firm grasp of the situation, launched Operation Zero Tolerance to meet those challenges. With respect to the collateral damage ensuing from the joint MONUC-FARDC Operation Kimia II, it therefore believes that the solution lies in applying this zero-tolerance policy in order to bring the perpetrators of these acts before Congolese courts and tribunals. We therefore invite the United Nations to support our operation, the underlying motivation for which is to re-establish lasting peace and to ensure the good administration of justice that can undermine impunity so as to strengthen and maintain lasting peace in my country.

The third truth is the multiple reference to the Agreements of 23 March 2009. The Security Council's legitimate request for the comprehensive implementation of these Agreements runs somewhat counter to its demand for justice and reintegration into the FARDC. The resolution is silent about what is to be done with those who — despite having their names on the sanctions list of the Security Council Committee established pursuant to resolution 1533 (2004) and being sought by the International Criminal Court — were honoured with a troop review by a Special Envoy of the Secretary-General, who did not hesitate to speak to them before the cameras of the world. We Congolese have never forgotten that shocking and painful spectacle.

Finally, the resolution has nothing to say concerning the main target of the Agreements of 23 March. That individual is known to all present here, and High Commissioners for Human Rights Mary Robinson and the late Sergio Vieira de Mello often called on the Security Council to ensure that this criminal be held accountable for his acts, and in particular his acknowledged role in the 2002 Kisangani massacres.

The fourth truth is the demand for democracy. The resolution calls on my Government to enact and implement legislation within six months of the resolution's adoption. With all due respect to you, Sir, and to the principal organ responsible for the maintenance of international peace and security, I must point out that the Democratic Republic of the Congo has a Constitution, and that it is the Constitution and the Constitution alone that determines the procedure for initiating, enacting and promulgating laws. The Democratic Republic of the Congo is a new democracy. The Congolese people are pleased with their democracy and in no circumstances would desire a return to any form of authoritarianism, even one imposed by the Security Council.

In conclusion, I confirm that my Government will work closely with the Security Council to establish the parameters to determine the future of the United Nations presence in the Democratic Republic of the Congo. The Government will do so alongside the Council, and assures the Council of its future cooperation with those in charge of implementing the new mandate of MONUC within six months of its reconfiguration.

In the meantime, we dare to hope that MONUC will be able to help us face the alarming security situation in the eastern part of the country caused by the ongoing threats of armed groups, foreign and national alike, that are reluctant to disarm and disengage. It is time to end the suffering of the children, women and men of the Congo and to put a halt to the current conflict and its concomitant problems in the administration of justice and the fight against impunity.

I continue to recall the urgent necessity of ending the war, which is in the clear interests not only of the Democratic Republic of the Congo but also of the entire Great Lakes region. We must end the war and the unspeakable suffering of our peoples. The Security Council has the obligation and the duty to assist us in that task.

The President (*spoke in French*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.35 a.m.